

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

11 DE DICIEMBRE 2022

María A. Clemente Rosa

PETITIONER

v.

PROMESA TITLE III

THE FINANCIAL OVERSIGHT  
AND MANAGEMENT BOARD  
FOR PUERTO RICO

No. 17BK 3283- LTS

(Jointly Administered)

As representative of  
THE COMMONWEALTH OF  
PUERTO RICO, et al,

Debtor.

TO THE HONORABLE BOARD THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR  
PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO, et al.,  
Debtors:

HONORABLE JUDGE: HON. LAURA TAYLOR SWAIN.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO/  
COURT OF THE UNITED STATES DISTRICT FOR THE DISTRICT OF PUERTO RICO

REPETUOUSLY REQUEST

María A. Clemente Rosa appears, PETITIONER, respectfully addresses, exposes,  
alleges and requests:

1. MOTION NO. 1: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO AND HON. JUDGE LAURA TAYLOR SWAIN, I RESPECTFULLY REQUEST THE OPPORTUNITY TO PRESENT THE INFORMATION MOTION AND MY POSITION ON THE RESOLUTION PROCEDURES PROPOSED BY THE P.R. FISCAL FINANCING BOARD, FOR THE CREDITORS.

**2. MOTION NO. 2: TO BE DECREED THE PAYMENT APPLIED BY THE RESPONSIBLE AGENCIES OF THE GOVERNMENT OF PUERTO RICO, UNDER THE ALTERNATIVE PROCEDURES FOR THE RESOLUTION OF DISPUTES ABOUT THE GOVERNMENTAL AGENCIES OF PUERTO RICO, REPRESENTED BY THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, FOR ME PERSON AS A CLAIMANT BEFORE THE GOVERNMENT OF PUERTO RICO AND REQUEST FOR RESOLUTION UNDER THE ACR PROCEDURES IN ITS FUND:**

**3. THE CLAIM AGENCIES FOR MY DIFFERENT CASES OF CLAIMS ARE:**

- a. 1. DEPARTMENT OF EDUCATION (Common Wealth of P.R.) Claim Number: 92159 - \$20,000.00. DATE OF TRANSFER TO ACR 7/13/2021. RESOLUTION STATUS NO. 17-3283 ECF NO: 21350. FORUN/CASE NUMBER: AQ-14-0730
- b. 2. SISTEMA DE RETIRO DE MAESTROS GOVERNMENT OF PUERTO RICO, AND PUBLIC EMPLOYEE (Teachers Retirement System, and Employees Retirement System of the Government of the Common Wealth of Puerto Rico.), Claim Number: 133537 – \$90,000.00 – DATE OF TRANSFER TO ACR 7/13/2021. RESOLUTION STATUS NO. 17-3283 ECF NO: 17320]3.
- c. 3. GOVERNMENT OF PUERTO RICO (Common Wealth of P.R.) Claim Number: 139834 - \$50,400.00. RESOLUTION STATUS NO. 17-3283 ECF NO: 12657
- d. 4. GOVERNMENT OF PUERTO RICO (Common Wealth of P.R.) Claim Number: 150849 - RESOLUTION STATUS NO. 17-3283 ECF NO: 12657.
- e. 5. GOVERNMENT OF PUERTO RICO (Common Wealth of P.R.) Claim Number: 133778 - RESOLUTION STATUS NO. 17-3283 ECF NO: 17927

**LIST OF FACTS:**

1. Honorable Judge Laura Taylor Swain, I respectfully write to you explaining how the PROMESA Act defines "Government of Puerto Rico" as the Commonwealth of Puerto Rico, including all its instrumentalities. Sec. 5 subsection (11) of the PROMESA Act.
2. Hon. Judge Laura Taylor Swain, as of today, December 9, 2022, the Government of Puerto Rico, has not paid the claims of the teachers referred to the Ley de Carrera Magisterial Law 9 of 2022.
3. In accordance with the previous point, the Government of Puerto Rico has not expressed itself on when or how said payment will be made in accordance with Law 9 of 2022. Law of the Teaching Career, as amended. Since the Senate has recognized that the Teaching

Career Law is not a benefit of teachers. According to the Secretary of the Senate of Puerto Rico, Mr. Yamil Rivera Vélez stated and I quote:

- a. "Currently, the OGP needs an additional request from the Department of Education to be able to implement the Teaching Career, after the stoppage imposed by Law 66-2014, supra. This, in order to request, in conjunction with the Puerto Rico Fiscal Agency and Financial Advisory Authority, the reprogramming of funds necessary to comply with the Teaching Career, without violating the fundamentals of the Fiscal Plan and the PROMESA Law."
4. Hon. Judge Laura Taylor Swain, respectfully present, that in accordance with the foregoing, the payment of the Ley de Carrera Magisterial, is the recognition of the teacher for his effort, to comply with the Ley de Carrera Magisterial, which was promulgated by the Department of Education and the Government of Puerto Rico, and then they violated the Law, which they themselves promulgated and did not compensate the teachers, with the salary increase and the increase of \$600, per month to all teachers, who already met all the requirements demanded by their Professional Improvement Plans.
5. Hon. Judge Taylor – Swain, non-compliance on the part of the P.R. Government Agencies. Not paying the Teacher Career Law not only affected the teacher's salary, it also affected his pension and retirement, because he was not paid, according to the Teacher Career Law, his monthly salary and teacher pension.
6. Hon. Judge Taylor - Swain, currently (2022) the Government Agencies of the Government of Puerto Rico such as the Department of Education and the Agency: Honorable Appeals Commission of the Public Service, of the Commonwealth, are apparently not seeing the Claim cases de Carrera Magisterial, understanding that said agencies are acting under automatic stays, (automatic Stays), which arise under the provisions of Section 301 of the PROMESA LAW, under the Bankruptcy Code of the United States. See case of January 18, 2022, and I quote:
  - A. "On January 18, 2022, the Hon. Laura Taylor Swain, issued the Confirmation Order in the case In re Commonwealth of Puerto Rico, no. 17 BK3283-LTS31, in which it stated that in accordance with the Plan of Adjustment, (Case:17-03283-LTS Doc#:19784 Filed:01/14/22 Entered:01/14/22 22:16:10 Desc: Main Document Page 193 of 304), the permanent injunction is presented upon approval of an adjustment plan with the restructuring of the debt, however, the case based on the PROMESA Law has not concluded, and the federal forum maintains the one related to these matters".

7. Hon. Judge Taylor-Swain, I respectfully submit that in light of the foregoing regarding the effects of the Automatic Stay Process on Puerto Rico government agencies, which continues throughout the entire bankruptcy proceeding, from the beginning of the bankruptcy application to the final sentence, (Marrero Rosado v. Marrero Rosado 178 DPR 476, 491 (2010), of the resolution, and in light of the Motion: NOTICE OF MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO TO AMEND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES:, I RESPOND: I ACCEPT THE SETTLEMENT OFFER. (SEE APPENDIX 1). Under the Protection of the Hon. Judge Laura Taylor Swain and under the Protection of the Federal Court of the United States. Since I understand that my claims are Fair, Adequate and reasonable and that they do not undermine or exceed the Coffers of the Government Agencies of Puerto Rico, because they are minimal claims.
8. Hon. Judge Taylor – Swain, I understand that applying the automatic stay process or (Automatic Stay) to my claims would be violating my rights to claim the Teacher Career Law, and it would be unfair and heartbreaking, that the debtors (Government of Puerto Rico, and the Department of Education, will not pay me the Retroactive of what I would have earned, the Total Amount owed, to the income that I was going to earn with the increase of \$600.00 per month, since the year 2014, from the time I achieved when I met the Professional Improvement Plan, in accordance with the requirements of the Teaching Career Law, an amount that would rise from the year 2014 to approximately \$90,000.00
9. Hon. Judge Laura Taylor – Swain, respectfully inform that on July 8, 2022, the Governor of Puerto Rico, Hon. Pedro Pierluisis and the Secretary of the Department of Education, Hon. Eliezer Ramos Parés, (SEE APPENDIX 2 ), delivered checks to 166 teachers who had completed their Ley de Carrera Magisterial process for the year 2013. (SEE APPENDIX 3). Teachers who received checks for amounts of \$55,900.00, money that covered the entire payment process for their unearned monthly payments, because the Teacher Career Law was suspended due to the approval of Law 66-2014, supra. This Law declared a state of fiscal emergency for Puerto Rico, and prohibited increases in economic benefits and extraordinary monetary compensations to the employees of the Executive Branch agencies, for which reason the Teacher Career Program was suspended. See Law 9, 2022.
10. Hon. Judge Laura Taylor Swain, I respectfully inform you that in order to comply with the Teacher Career Law and Professional Improvement Plans, we sacrifice our nights, family, weekends studying, vacations, leaving to share with our parents and children, spouses. We had to pay our own money for our academic courses to complete our master's degrees, doctorates and continuing education and deliver the documentation on time to comply with the Professional Improvement Plan, of the Teaching Career and to this date

December 11, 2022, I eat Appellant of my claims, I have not received recognition for my effort, nor the corresponding salary increase.

11. Hon. Judge Taylor-Swain, keeping my claims until the end of the PROMESA Law closure, due to the automatic stay Processing process, would be very unfair, because some teachers have already been paid for their Teaching Career, and they did not have to go through and wait for the Automatic Stay Process. What I want to express is that there is a precedent for payment of the Teaching Career with this group of teachers. While the Bankruptcy Adjustment Process for P.R. is under the PROMESA Act. (Appendix 2 and 3).

12. In view of the foregoing, and for the aforementioned reasons, I respectfully request the Hon. Judge Laura Taylor Swain, and the Hon. Federal Court of the United States to accept Motion 1 and 2 presented here and the response of acceptance of the Settlement Offer. Considering that my claims should not be seen with the provisions established, the automatic stay process or (Automatic Stay), since apparently my rights to claim the Magisterial Career Law, a Law promulgated by the Government Agencies of Puerto Rico, and the Department of Education, urging the teacher to prepare himself academically to receive better salaries and pensions. Studies that teachers pay with our own money and it would be unfair and heartbreaking for debtors to refuse to comply with the payment of the Ley de Carrera Magisterial. The debtors would be violating my constitutional rights to "equal protection of the laws and equal pay for equal work."

HON.LAURA TAYLOR SWAIN, UNITED STATES DISTRICT COURT AND THE HONORABLE BOARD THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH PF PUERTO RICO, et al, . Debtors: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO, I RESPONSE RESPECTFULLY TO THE MOTION:(NOTICE OF MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO TO AMEND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES).

I respectfully request that these Information Motions and the RESPONSE TO THE SETTLEMENT OFFER AND THE ACCEPTANCE OF THE SETTLEMENT OFFER be considered", according to the right you have.

RESPECTFULLY REQUESTED.

I CERTIFY that on this same date I have sent by CERTIFIED mail a true and exact copy of this TO THE HONORABLE BOARD THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO, et al., Debtors:

In Carolina, Puerto Rico today December 11, 2022



Dra. Maria A. Clemente Rosa  
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Calle Díaz Way, Apt 311  
Torre # 6 Carolina, P.R. 00979